

## DOCKET SECTION

PRESIDING OFFICER'S  
RULING NO. R97-176  
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UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268

POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes

Docket No. R97-1

### PRESIDING OFFICER'S RULING GRANTING MOTIONS FOR LATE ACCEPTANCE

(December 3, 1997)

The Postal Service has filed three motions for late acceptance responses to interrogatories addressed to the Postal Service as an institution.<sup>1</sup> In the case of the responses to DFC/USPS-15-18 and MPA/USPS-4 the delay was a result of confusion as to the appropriate personnel to respond to the interrogatories in question. In both instances, copies of the responses were forwarded to the asking party to mitigate the prejudice caused by the delay. The responses to DFC/USPS-11 and 12 were delayed due to an extensive search for responsive information, coupled with the desire to provide a sample mail piece at the time the response to DFC/USPS-12 was filed. I will grant these motions.

On November 19, 1997, the Postal Service filed a motion for late acceptance of responses of witness Baron.<sup>2</sup> These responses, which were provided 20 days out of time, were delayed due to the temporary unavailability of key personnel. Copies of the

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<sup>1</sup> United States Postal Service Motion for Late Acceptance of Responses to Interrogatories of Douglas Carlson (DFC/USPS-11 and 12), filed November 20, 1997; United States Postal Service Motion for Late Acceptance of Responses to Interrogatories of Douglas F. Carlson (DFC/USPS-15-18), filed November 26, 1997; and Motion for Late Acceptance of Response of United States Postal Service to Interrogatory of Magazine Publishers of America (MPA/USPS-4), filed November 24, 1997.

<sup>2</sup> Motion for Late Acceptance of Response of United States Postal Service Witness Baron to Interrogatories of the Advertising Mail Marketing Association (AMMA/USPS-T17-1-5).

responses were forwarded via facsimile to AMMA counsel in order to mitigate the prejudice caused by the delay. I will grant the motion.

On November 21, 1997, the Postal Service filed motions for late acceptance of responses to NDMS interrogatories directed to witness Daniel.<sup>3</sup> The Postal Service indicates that, as cited in its previous motion for late acceptance of NDMS interrogatories, witness Daniel was out of town November 2-9, 1997, which caused a delay in responding or redirecting these interrogatories which were filed on November 5, 1997. In the case of interrogatories 4, 17, 18, this coupled with several other production requirements caused the delay. Responses to interrogatories 2e(ii)-(g)(iii), 3a(ii)-(vi), and 16 were prepared as soon as possible after being redirected to the Postal Service.

The Postal Service has filed three motions concerning interrogatories directed to witness Smith.<sup>4</sup> Responses to the ABA & EEI & NAPM interrogatories and the AMMA interrogatories were due to be filed November 21, 1997, but were delayed due to witness Smith's illness and the necessity of preparing errata to library references underlying his supplemental testimonies. Responses to the NDMS interrogatories were delayed as the determination to redirect them to witness Smith was not made until close to the deadline for filing responses, coupled with witness Smith's participation in the technical conference on November 28, 1997. In all cases, responses were provided via facsimile to mitigate any prejudice caused by the delay. I will grant these motions.

Witness Pafford's responses to interrogatories of the National Newspaper Association were provided on November 24, 1997, accompanied by a motion for late

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<sup>3</sup> United States Postal Service Motion for Late Acceptance of Responses to Nashua, District, Mystic & Seattle Interrogatories (NDMS/USPS-ST45-2e(ii)-(g)(iii), 3a(ii)-(vi), and 16); and United States Postal Service Motion for Late Acceptance of Responses of Witness Sharon Daniel to Nashua, District, Mystic & Seattle Interrogatories (NDMS/USPS-ST43-4, 17, 18).

<sup>4</sup> United States Postal Service Motion for Late Acceptance of Responses of Witness Smith to Interrogatories of ABA & EEI & NAPM, filed November 25, 1997; United States Postal Service Motion for Late Acceptance of Response of Witness Smith to Interrogatory of AMMA, filed November 25, 1997; and Motion for Late Acceptance of Responses of United States Postal Service Witness Smith to Interrogatories of Nashua & District & Seattle & Mystic Redirected from Witness Crum (NDMS/USPS-T28-38(d) and 41 (i)), filed December 1, 1997.

acceptance.<sup>5</sup> The short delay in responding was occasioned, in part, by the delay in service of these interrogatories to the Postal Service. Responses were sent via facsimile to counsel for NNA, and I will grant this motion.

### RULING

1. The United States Postal Service Motion for Late Acceptance of Responses to Interrogatories of Douglas Carlson (DFC/USPS-11 and 12), filed November 20, 1997, is granted.

2. The United States Postal Service Motion for Late Acceptance of Responses to Interrogatories of Douglas F. Carlson (DFC/USPS-15-18), filed November 26, 1997, is granted.

3. The Motion for Late Acceptance of Response of United States Postal Service to Interrogatory of Magazine Publishers of America (MPA/USPS-4), filed November 24, 1997, is granted.

4. The Motion for Late Acceptance of Response of United States Postal Service Witness Baron to Interrogatories of the Advertising Mail Marketing Association (AMMA/USPS-T17-1-5), filed November 19, 1997, is granted.

5. The United States Postal Service Motion for Late Acceptance of Responses to Nashua, District, Mystic & Seattle Interrogatories (NDMS/USPS-ST45-2e(ii)-(g)(iii), 3a(ii)-(vi), and 16), filed November 21, 1997, is granted.

6. The United States Postal Service Motion for Late Acceptance of Responses of Witness Sharon Daniel to Nashua, District, Mystic & Seattle Interrogatories (NDMS/USPS-ST43-4, 17, 18), filed November 21, 1997, is granted.

7. The United States Postal Service Motion for Late Acceptance of Responses of Witness Smith to Interrogatories of ABA & EEI & NAPM, filed November 25, 1997, is granted.

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<sup>5</sup> United States Postal Service Motion for Late Acceptance of the Responses of Witness Pafford to Interrogatories of the National Newspaper Association (NNA/USPS-ST48-6, 9-14).

8. The United States Postal Service Motion for Late Acceptance of Response of Witness Smith to Interrogatory of AMMA, filed November 25, 1997, is granted.

9. The Motion for Late Acceptance of Responses of United States Postal Service Witness Smith to Interrogatories of Nashua & District & Seattle & Mystic Redirected from Witness Crum (NDMS/USPS-T28-38(d) and 41 (i)), filed December 1, 1997, is granted.

10. The United States Postal Service Motion for Late Acceptance of the Responses of Witness Pafford to Interrogatories of the National Newspaper Association (NNA/USPS-ST48-6, 9-14), filed November 24, 1997, is granted.

  
Edward J. Gleiman  
Presiding Officer